

ATTN: Ian B. Lyngklip, Consumer Law Center, PLC  
Leonard A. Bennett, Consumer Litigation Associates P.C.  
Michael J. Agoglia, Morrison & Foerster LLP  
U.S. District Court, Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
AT HARRISONBURG, VA  
FILED

MAR 30 2011

JULIA C. DUDLEY, CLERK  
BY: *K. Bauseman*  
DEPUTY CLERK

DATE: Wednesday – March 30, 2011.

SUBJECT: Thomas Domonoske v. Bank of America, N.A. No. 5:08CV00066

I am sending this correspondence as a supplement to the formal written letter of Objection To The Settlement (sent previously on February 7, 2011) that has been proposed for this lawsuit.

My signature on this letter and the printed Transmission Verification Report to each of the fax numbers serves as my Statement with the Court of delivered copies to Class Counsel and Defense Counsel.

The attached spreadsheet is titled Bank of America Credit Score Settlement Chronology of Aliberti 2011 Written Correspondence (\*). From the dozens of written correspondence shown on the list, I am also sending eight (8) specific email messages as bolded for more details (notwithstanding the dozens of phone calls and voice messages with Ian B. Lyngklip, Class Counsel, for which I want him and the Court to know my thanks).

The Court needs to know how much effort has been expended by me as class member to obtain the credit score detail already in possession of the **Bank of America ACAPS computer system required by law – but why the Bank and/or its counsel still failed to provide such information reasonably and timely.**

The Bank's attorney has known my proper name, address, phone number, and PIN Number since the written request to Lyngklip on January 4, 2011 (6:23 PM EST) and forwarded of the same date (8:17 PM EST).

Yet, the February 7, 2011 (7:51 PM EST) email more than a month later states, "The Bank is running this to ground to make sure we have the right borrower...." The February 22, 2001 (7:38 PM EST) email states "We have confirmed that the Bank has....the credit score....and are happy to provide him the score on record." to which the February 26, 2011 emails direct Amezcua to send me with her reply "WILL DO." [EMPHASIS ADDED].

**However, the information was never sent for more than another month later until March 29, 2011** (and only with my warning that I would contact to the Court before the March 31, 2011 Fairness Hearing). The Court should be very concerned with both the Bank/its counsel's conduct to delay/obstruct in providing the score and the unacceptable timeframe in which such information was finally sent – given the pending proceeding.

After my significant and repeated efforts (all of which had been previously denied/refused by the Bank) to obtain my credit score detail before any knowledge of the lawsuit/Settlement proposal and the receipt of the Legal Notice, **I am even more strongly opposed to the Class benefit(s) as being insufficient and unsubstantial given the unchanged/continued conduct of the Bank and/or its counsel to withhold such information to me.**

Please call me at your convenience with any comments or questions about this information. Best Regards,

*Michael A. Aliberti*

Michael A. Aliberti (1807 NE 18<sup>th</sup> Street – Fort Lauderdale, FL 33305-3401 / 954-566-7344)

**BANK OF AMERICA CREDIT SCORE SETTLEMENT CHRONOLOGY OF ALIBERTI 2011 WRITTEN CORRESPONDENCE (\*)**

<u>Date of Item:</u>	<u>FROM:</u>	<u>TO:</u>	<u>Time: (*)</u>	<u>Content Description:</u>
March 29	IAN	MIKE	1:55 PM	Forwarding PDF attachment of letter by Amezcua stating credit score of 720
March 29	AMEZCUA	IAN	1:45 PM	Response to Agoglia message apologizing for delay by the Bank to send the score
March 29	AMEZCUA	MIKE	n/a	Letter for credit score attached as PDF to above email and being sent by U.S. Mail
March 29	IAN	MIKE	10:22 AM	Forwarding of emails with Agoglia previously sent
March 29	IAN	MIKE	10:20 AM	Forwarding of February 7, 2011 emails to and from Amezcua
March 29	IAN	AGOGLIA	10:19 AM	Another request for score from Bank's failure to send but provide directly to Ian
March 17	MIKE	IAN	5:12 PM	Thanks for taking call; why Bank failed to send credit score; request for emails
February 26	IAN	MIKE	7:29 PM	Forwarding of emails to and from Amezcua that credit score would be sent
February 26	AMEZCUA	IAN	12:56 PM	Simple reply stating verbatim "WILL DO. THANKS, IAN." [EMPHASIS ADDED]
February 26	IAN	AMEZCUA	7:54 AM	Response to Amezcua to send the score directly to Aliberti
February 22	AMEZCUA	IAN	7:38 PM	Reply for Bank not retaining copies of notice but has credit score that was used
February 22	MIKE	IAN	3:50 PM	Thanks for forwarding prior emails and another written request for credit score
February 7	AMEZCUA	IAN	7:51 PM	Reply to message stating verbatim "...to make sure we have the right borrower"
February 7	IAN	AMEZCUA	2:11 PM	Prior message to Agoglia for class member credit score or contact to direct for it
February 7	IAN	MIKE	8:30 AM	Forwarding of emails to Bank of America Counsel Agoglia
February 7	MIKE	COURT	5:00-5:06 PM	4 separate faxes sent to Court and counsel as written Objection To The Settlement
February 4	MIKE	IAN	6:29 PM	Thanks for taking call; asking about score request; reminder to forward emails
February 2	IAN	AGOGLIA	10:01 AM	Request again "...received another call....any luck on getting his score notice?"
January 31	MIKE	IAN	5:17 PM	Thanks for taking call; asking about score request; reminder to forward emails
January 6	IAN	AGOGLIA	7:08 PM	Simple response verbatim "Thanks, Ian"
January 6	AGOGLIA	IAN	6:26 PM	Reply to initial email verbatim "We're checking on this."
January 4	IAN	AGOGLIA	8:17 PM	Initial request to obtain original score notice or score itself as Class Member
January 4	MIKE	IAN	6:23 PM	Documenting phone call from Settlement mailing and initial written request

The eight (8) items **bolded in the above list** are copied and pasted in the attached two pages to read the specific text for more details.

(\*) All correspondence is via email unless otherwise stated in the "Content Description." while the "Time:" is Eastern Standard Time.  
 AGOGLIA represents Bank of America defense counsel Michael J. Agoglia  
 AMEZCUA represents Alexandra A. Amezcua from Morrison & Foerster LLP  
 COURT represents the U.S. District Court, Western District of Virginia  
 IAN represents Ian Lyngklip, Lyngklip & Associates, Consumer Law Center, PLC, Class Counsel  
 MIKE represents Michael A. Aliberti, Class Member with PIN Number 30582838

03/29/2011 07:56

9546301655

FUSION

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**From:** Amezcua, Alexis A. [mailto:AAmezcua@mofo.com]  
**Sent:** Saturday, February 26, 2011 12:56 PM  
**To:** Ian Lyngklip  
**Cc:** Agoglia, Michael J.  
**Subject:** Re: Mike Alibert

Will do. Thanks, Ian.

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**From:** Ian Lyngklip <IanLyngklip@Att.Net>  
**To:** Amezcua, Alexis A.  
**Sent:** Sat Feb 26 07:54:01 2011  
**Subject:** RE: Mike Alibert

Alexis,

I spoke to Mr. Aliberti, he would like you to send the score directly to him. Thanks.

Ian

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**From:** Amezcua, Alexis A. [mailto:AAmezcua@mofo.com]  
**Sent:** Tuesday, February 22, 2011 7:38 PM  
**To:** Ian Lyngklip  
**Cc:** Agoglia, Michael J.; Amezcua, Alexis A.  
**Subject:** RE: Mike Alibert

Ian:

At the time of Mr. Aliberti's application, the Bank did not retain copies of the actual credit score notice sent to applicants. We have confirmed that the Bank has a record of the credit score used at the time of Mr. Aliberti's loan application, however, and are happy to provide him the score on record. Let us know if that should go through you or otherwise.

Thanks,  
Alexis

Alexandria A. Amezcua  
Morrison & Foerster LLP  
425 Market Street | San Francisco, California 94105  
415.268.6557 | AAmezcua@mofo.com

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**From:** mike aliberti <i.am\_mike@yahoo.com>  
**Subject:** Domonoske case  
**To:** IanLyngklip@Att.Net  
**Date:** Tuesday, February 22, 2011, 3:50 PM

Good Day,

Thank you very much for sending me the email messages that you previously sent and received to/from the Bank's defense counsel, the first of which was from January 4, 2011.

As I mentioned in my voice message left this morning, I am sending this email to confirm yet another written request for the details/documentation from Bank of America regarding the credit scoring and/or actual credit score utilized for any of my loans related to this case. I would hate to think that the Bank and/or its attorney are purposely delaying to provide this information apparently available from the "ACAPS" computer system, since I submitted my written Objection To The Settlement on February 7, 2011.

Please call me at (954) 566-7344 at your convenience with any comments or questions about this request.

Best Regards,  
Michael A. Aliberti  
PIN Number: 30582838  
1807 NE 18th Street  
Fort Lauderdale, FL 33305-3401.

**From:** Amezcua, Alexis A. [mailto:AAmezcua@mofo.com]  
**Sent:** Monday, February 07, 2011 10:51 PM  
**To:** Ian Lyngklip  
**Cc:** Agoglia, Michael J.  
**Subject:** RE: Mike Alibert

am:

The Bank is running this to ground to make sure we have the right borrower and credit score. We'll keep you updated as we hear more from them.

Thanks, Alexis

**Alexandria A. Amezcua**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6557 | AAmezcua@mofo.com

---

**From:** Ian Lyngklip [mailto:IanLyngklip@Att.Net]  
**Sent:** Monday, February 07, 2011 2:11 PM  
**To:** Amezcua, Alexis A.  
**Cc:** Agoglia, Michael J.  
**Subject:** Mike Alibert

Alexis,

I wrote to Michael about one of the class members who contacted me for his credit score. The class member's name is Michael Aliberti. He has called me for the third time this week and I would like to let him know if BofA can provide him with a copy of the credit score notice it sent him. I would greatly appreciate it if you could either get the information or a contact to whom I can direct Mr. Aliberti.

Thanks much.

Ian B. Lyngklip  
(248) 208-8864  
ian.lyngklip@ATT.Net  
Lyngklip & Associates  
Consumer Law Center, PLC  
24500 Northwestern Highway, Ste. 206  
Southfield, MI 48075

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**From:** Agoglia, Michael J. [mailto:MAgoglia@mofo.com]  
**Sent:** Thursday, January 06, 2011 6:26 PM  
**To:** Ian Lyngklip  
**Subject:** RE: Domonoske case

We're checking on this.

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**From:** Ian Lyngklip [mailto:ianlyngklip@att.net]  
**Sent:** January 04, 2011 8:17 PM  
**To:** Agoglia, Michael J.  
**Subject:** FW: Domonoske case

Michael, this class member was wondering whether it would be possible to obtain either a copy of his original score notice or the score itself. Please let me know. Thanks.

Ian Lyngklip  
Lyngklip & Associates  
Consumer Law Center, PLC  
24500 Northwestern Highway, Ste. 206  
Southfield, MI 48075  
(248) 208-8864  
ian.lyngklip@Att.Net

TRANSMISSION VERIFICATION REPORT

TIME : 03/29/2011 07:48  
NAME : FUSION  
FAX : 9546301655  
TEL : 9546301655  
SER.# : 000K5J785977

DATE, TIME	03/29 07:46
FAX NO. /NAME	12482089073
DURATION	00:01:03
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

ATTN: Ian B. Lyngklip, Consumer Law Center, PLC

FAX: 248-208-9073

Leonard A. Bennett, Consumer Litigation Associates P.C.

FAX: 757-930-3662

Michael J. Agoglia, Morrison & Foerster LLP

FAX: 415-268-7522

U.S. District Court, Western District of Virginia

FAX: 540-434-3319

DATE: Wednesday - March 30, 2011

THREE (3) PAGES TO FOLLOW

SUBJECT: Thomas Domonoske v. Bank of America, N.A. No. 5:08CV00066

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03/29/2011 07:56

9546301655

FUSION

PAGE 06/07

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TIME : 03/29/2011 07:53  
 NAME : FUSION  
 FAX : 9546301655  
 TEL : 9546301655  
 SER. # : 000K5J785977

DATE, TIME	03/29 07:52
FAX NO. / NAME	14152687522
DURATION	00:01:30
PAGE(S)	04
RESULT	OK
MODE	STANDARD
	ECM

ATTN: Ian B. Lyngklip, Consumer Law Center, PLC FAX: 248-208-9073  
 Leonard A. Bennett, Consumer Litigation Associates P.C. FAX: 757-930-3662  
 Michael J. Agoglia, Morrison & Foerster LLP FAX: 415-268-7522  
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TIME : 03/29/2011 07:51  
 NAME : FUSION  
 FAX : 9546301655  
 TEL : 9546301655  
 SER.# : 000K5J705977

DATE, TIME	03/29 07:50
FAX NO./NAME	17579303662
DURATION	00:01:01
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

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 Leonard A. Bennett, Consumer Litigation Associates P.C. FAX: 757-930-3662  
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